

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

**RHONDA FLEMING,
Institutional ID No. 20446-009**

Plaintiff,

VS.

WARDEN T. RULE, *et al.*,

Defendants.

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Civil Action No. 4:25-cv-157-O

ORDER

Plaintiff Rhonda Fleming is proceeding pro se in this prisoner civil-rights action. Her first amended complaint is subject to preliminary screening under 28 U.S.C. § 1915A. *See* Am. Compl., ECF No. 17. As part of the screening process, the Court is authorized to dismiss a prisoner's claim before service of process if it concludes that the claim is frivolous, malicious, or fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. *See* 28 U.S.C. § 1915A(b); *see also Fleming v. United States*, 538 F. App'x 423, 425 (5th Cir. 2013). When it is not apparent from the face of the complaint whether the prisoner's claims have merit, the district court should provide the prisoner an opportunity to develop the factual basis of those claims to ensure that they are not dismissed prematurely. *See Parker v. Carpenter*, 978 F.2d 190, 192 (5th Cir. 1992) (citing *Jackson v. Cain*, 864 F.2d 1235, 1241 (5th Cir. 1989)).

After reviewing Fleming's first amended complaint, it is unclear whether her claims have plausible merit. To further develop the facts underlying Fleming's claims, the court **ORDERS** her to complete the attached questionnaire and file it with the clerk of court **within 30 days**.

If Fleming fails to comply with this order, the court may dismiss this action without prejudice, without further notice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

SO ORDERED this **5th day of June, 2025**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

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DISTRICT COURT INSTRUCTIONS TO PLAINTIFF

Fleming must answer the court's attached questions in the space provided on the following pages. Fleming may not attach additional pages to her answers. If she does so, the court will strike and not consider them.

Fleming must answer the court's questions to the best of her ability based on her personal knowledge. She must plead specific facts in response to the court's questions. At this stage of litigation, the court is seeking factual information only and will not consider any conclusory statements or legal arguments.

Fleming must sign the attached verification certificate under penalty of perjury and file it, along with her answers, with the clerk of court **within 30 days**. If Fleming fails to do so, the court may dismiss this action without prejudice, without further notice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

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PLAINTIFF’S ANSWERS TO THE COURT’S QUESTIONNAIRE

In your first amended complaint, you claim that Defendants are unlawfully enforcing the Federal Bureau of Prisons (BOP)’s “transgender policy” at FMC Carswell, which forces you to shower and live with biological men who claim to be transgender women. You appear to argue that Defendants’ enforcement of the policy violates your First, Fifth, and Eighth Amendment rights and an executive order issued by President Trump.

You ask the court to declare that the BOP’s transgender policy is unconstitutional; order Defendants to “end all transgender policies;” order your removal from prison while the court adjudicates your constitutional claims; and award you compensatory, punitive, and nominal damages.

QUESTION 1: Under which federal statutes or doctrines do you contend that you are entitled to seek such relief for Defendants’ conduct? Be specific. The statutes that you cite (28 U.S.C. §§§§ 1331, 1332, 2201, 2022) do not establish a separate cause of action.

ANSWER:

QUESTION 2: It is unclear which transgender policy you intend to challenge in this case. Please clarify. Do you intend to challenge that BOP's transgender policy that became effective under President Biden's administration?

Answer yes or no. If your answer is yes, identify the policy title and number if you are able. In addition, please clarify if it is your contention that such policy is still being enforced at FMC Carswell.

ANSWER:

QUESTION 3: Is it your contention that the BOP modified its prior transgender policy and implemented a new one in response to President Trump's executive order?

Answer yes or no. If your answer is yes, identify the policy title and number if you are able. In addition, please clarify whether you intend to challenge the legality of the new transgender policy in this case.

ANSWER:

QUESTION 9: As of today, have all biological male inmates who claim to be transgender women been removed or transferred from FMC Carswell? Answer yes or no.

ANSWER:

QUESTION 10: Have you previously filed any other lawsuits in any state or federal court that challenges the same transgender policy that you intend to challenge in this case?

Answer yes or no. If your answer is yes, provide each case number and the name of the court in which each case was filed.

ANSWER:

VERIFICATION

STATE OF TEXAS

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Civil Action No. 4:25-cv-157-O

COUNTY OF TARRANT

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I understand that making a false statement or answer to any question in this cause of action will subject me to penalties for perjury. I hereby verify and declare under penalty of perjury that my answers to the court's questionnaire are true and correct. *See* 28 U.S.C. § 1746.

SIGNED on this _____ day of _____, 2025.

Plaintiff Rhonda Fleming